(1)

Supreme Court, U.S.
FILED

02 688 NOV - 5 2002

OFFICE OF THE CLERK

No._____

Supreme Court of the United States

In Re:
John F. Harrah Sr.
Vs
United States of America

Office of the President, et al
George W. Bush, Incumbent, et al
Respondent

CIA
George J. Tenet, DCI, et al
Respondent

FBI
Robert S. Mueller III, Director, et al
Respondent

On Petition for Writ of Mandamus/Prohibition
to the United States Court of Appeals for the
DC Circuit

Petition for Writ of Mandamus/Prohibition

USA Counsel of Record
Wilma Rudolph, US Attorney

John F. Harrah
PO Box 32135
Washington DC 20007
202 256 3529

Questions Presented

Constitutional Question

1. Can this court approve a Blue chip gentleman's agreement settlement with Rule 12(c) judgment on the record in a manner befitting the highest traditions of American Literary life?.

2. Can this court return this case for reconsideration by the US Court of Appeals to remedy a network of prejudiced and unfair trials and no hearings at all resulting in a wrong decision and to correct a jurisdictional error?

3. Can this court consider two Constitutional Questions which should be answered at this time?

   A. Can this court declare unconstitutional portions of: a. Privacy Act of 1974 (CIA immunity)?
   b. The usurpation of Congress's powers by the so called "Feres Doctrine," which forces plaintiffs to acquiesce to virtually no relief instead of Civil Action with full due process of law against the will of Congress as prescribed by law?

4. Can this court provide mandamus for a correction of jurisdiction and prohibition against an errant judge using an undue influence?(See "Problems With Judge," "Undue Influence," "Statement of Case,""What is Required?" Why Should Petition be Approved?"

Table of Contents

Questions presented	(i)
Table of contents/Names	(ii)
Table of Authorities	(iii)
Jurisdiction	1
Constitutional Provisions	10
Statement of Case	12
What is required?	16
Why Should Petition be approved?	72
Appendix	(i)

List of Names

Mandamus

US Court of Appeals, DC Circuit,
Justices: Douglas H. Ginsburg, Harry Edwards, Merrick B. Garland, Karen LeCraft Henderson, A Raymond Randolph, Judith W. Rogers, David B. Sentelle, David Stephen Tatel, Laurence Hirsch Silberman, Stephen F. Williams.

Prohibition

Thomas F. Hogan, US District Court, DC

Table of Authorities
First Amendment Precedents

New York Times v. United States 403 US 713 f 1971), **Pentagon** Papers--New York Times and Washington Post settle once and for all that there is no legal right to prior restraint or refusal by any parties in America.

Privacy Act of 1974; Provides enablement of litigation against file abuse in the US government.

Freedom of Information Act, 1971; Provides access to files in the US Government

Hustler Magazine and Larry C. Flynt v Jerry M Falwell 485US 46(1988) Parody, no matter how obnoxious, is protected by the first amendment

Near vs. Minnesota --"Saturday Press" could print scandalous, defamatory reports against thugs and government agencies alike. In an era that had not been exposed to the fight over a right of prior restraint or refusal, a usable "right" was not found that day.

Agee Precedent--Spy opts to publish names of Italian CIA station chiefs over US disapproval. Predating Pentagon Papers Precedent, Court reinforces his right to do this, But Agee eventually loses passport to State Department in 1987.

Dick Morris vs.Administration; Dick Morris in dispute with Clinton administration, is published despite agreement to contrary and harassment from peers; Government/ employee agreement not to publish looms.

Cohenvs.California-First Amendment case protecting freedom of grooming as a form of self expression.

Other precedents

1. Snepp vs. US Snepp's latest: *Irreparable Harm. forced* to surrender proceeds of books due to employment contract.

2.Microsoft vs. US-- This "anti trust" case has dragged on from a high point a year ago with the Court of Appeals reviewing and then granting a remand and change of judges. Easily noticeable even now in the rhetoric, is a stilted archaic verbose, abbreviation laden jargon that is so out of date and superficial that it does not seem possible that computer matters will ever be discussible by a court of law.

The only sure thing about this trial is that it should never again consider a retrograde solution to Microsoft's operating system development program. Such a solution is directly against the First Amendment whose adherents depend on the courts and on PC's for the most modern and powerful information acquisition and processing equipment. The

biggest threat to our future is that this priceless capability will fall into the hands of unscrupulous men who want to limit our ability to acquire and use knowledge, in order to serve them better and not the friends of freedom, PC users.

3. Copyright Hearings--From a First Amendment view, the Copyright hearings are interesting primarily in the area of motion picture rights to scripts. This is because there is still big money in Hollywood (less so in publishing) and because they are easily piratable (contrary to what was said in the past from the usual authorities, books

First Amendment would argue there is no such thing as a "reasonable usage" or research usage" of unpublished scripts for any reason.

Unpublished work, which is sent to

publishers for possible purchase, is subject to victimization by illegal copying and reproduction of unscrupulous, even to the point of having large, warehouse sized businesses dedicated to providing research materials all without the

knowledge of the oppressed artists and writer.

There is no fair usage of this unpublished material without paid permission of the owner of the copyright.

The scripts that are unpublished and unpurchased should not be allowed any unpaid research value in Title 17 or other legal

guidance.

4. **Dick Morris Mystery--Was** the Dick Morris scandal of 1996 and 1997 really about secrets of the oval office, or did it really have to do with his finding a flaw in the "agreement not to publish" required by government regulations, but successfully circumvented by himself.-

Dick's victory, always a threat to go through the courts, is a singular achievement, which will take its place beside the Agee precedent in First Amendment information of the future and as friends of freedom. 6. Cummins vs. Navy: In a case decided in the Washington US Court of Appeals recently, Mary Louse gained full relief for a US Dept. of Navy mistaken release of personal information coincidental with the release of a book about the training of fighter pilots under the Privacy Act of 1974, ruling out the Feres Doctrine invoked by the District Court. Joined to this decision were several others from the past, including some from the Clinton Administration which made the positive decision something of a global happening.

5. **Cummins vs. Navy**: In a case decided in the Washington US Court of Appeals recently Mary Louise gained full relief for a US Dept. Of Navy mistaken release of personal information coincidental with the release of a book about the training of fighter pilots under the privacy Act of 1974. Joined to this decision were several others from the past including some

from the Clinton Administration which made the positive decision something of a global happening

6. Browning vs. Vs. Bill Clinton--now remanded to trial court for discovery.

Parties to the proceeding and Rule 29.6 Statement

The petitioner in this case is John F. Harrah. The respondent is the United states of America, Office of presidency and CIA and others.

John Harrah is a private citizen and no corporation or other business interest is represented here, in this litigation. He personally owns two corporations, Harrah Foundation and International Freedom Foundation, Inc. (IFFI) of Delaware, which are not fully funded and not viewed as participants in the litigation from the past.

Jurisdiction

Dismissals (see appendix)

US District Court Washington DC Jan 26, 2001 00-1227(TFH)

US Court of Appeals, DC Circuit, Washington DC, August 28, 2001 01-5099

US Court of Appeals, DC Circuit, Washington DC, October 31, 2001

Other Jurisdiction(see Appendix)

Privacy Act of 1974 allows full civil action jurisdiction for misuse of government records--linked to wrongdoing outside the files and stiff damages for abuse of record keeping Pentagon Papers Precedent Clear gauge of wrong doing. Jurisdiction first showed over 30 years ago)

Constitutional question USC 5 P 552A j(1)

Pentagon Papers Precedent

(Injunction Only) Pentagon Papers precedent of 1971 clearly showed a government right of prior restraint or refusal including one by the CIA to be illegal and unconstitutional

Constitutional Question: First amendment to Constitution

2.

Title 28, US Codes, West Publishing Co. St. Paul; Minn.

P1331; Federal Question; the District Courts have original jurisdiction of all civil actions arising under the Constitution, laws or treaties of the United States

P1653--Amendment of pleadings to show jurisdiction--Defective allegations of jurisdiction may be amended upon terms in the trial or appellate courts.

12. **Pro Se.**

FRCP

Courts are particularly cautious while inspecting pleadings prepared by plaintiffs who lack counsel and are proceeding pro *se*. Often inartful, and rarely composed to the standards expected of practicing attorneys, pro *se* pleadings are viewed with considerable liberality and are held to less stringent standards than those expected of pleadings drafted by lawyers. Notwithstanding this liberality, unrepresented plaintiffs are not relieved of their obligation to allege sufficient facts to support a cognizable legal claim

Counter Claim--A pleading may

state as a Counter Claim any claim against an opposing party not arising out of the transaction of occurrence 3.

that its the subject mater of the opposing party's claim.

Counter claim exceeding opposing claim
Counter claim against the US

No FTCA Filing

It is not filed and will not be considered for settlement as a filing or claim under the FTCA or any other adjudication other than as a Civil Action.

Discussion of Jurisdiction

1. **Pentagon Papers**

The lawsuit is filed using two jurisdictions derived from this landmark precedent, which was adjudicated here in Washington DC, with Chief Justice Rehnquist playing a pivotal role.

1. Injunction Only Jurisdiction
2. Point of law

The Pentagon Papers precedent of 1971 clearly showed a government right of prior restraint or refusal including one by the CIA to be illegal and unconstitutional

The Pentagon Papers make illegal

blockage of publication of written material without a court order, (The Pentagon Papers dealt with "Secret" classified documents which were controlled by the CIA by nature of that classification and it was in fact a CIA study that was called "The Pentagon Papers".)

The Pentagon Papers Precedent started out as a Government initiative, in the case of both the New York Times and the Washington Post. Responding to a Tuesday, June 15,1971 government request for an injunction, on Sat. June 19, the request was refused. On Monday the Post's request was denied.

On Friday June 25, the US Supreme Court announced that it would stay and immediately review both cases, thereby freeing both papers to continue publication of the controversial material and led to the definitive Supreme Court Ruling of our time with respect to the First Amendment, The Pentagon Papers Precedent.

A 1984 jurisdictional precedent yields the following rhetoric which could easily be prophetic, explaining the confusion of the Pentagon Papers, the Privacy act of 1974, and the now clear jurisdiction question.

> Federal courts are courts of limited jurisdiction and when they exercise their decision making power by virtue of special jurisdictional considerations they must take care to exercise that power only within the limits established by Congress However, when courts. are called upon

> to determine what factors constitute essential elements of their jurisdiction under those special statutes, they should not infer requirements that needlessly would shut the courthouse door to the very kind of controversies to which Congress' particularly intended to afford a federal forum, Delta Coal Program v. Libman, C.A.llth, 1984, 743 F.2d 852.

It also is clear that in even the most basic understanding of our first amendment, which would be to protect individuals from bodily harm because of something that they said or wrote as a minimal beginning.

From there to a complete study influencing the final decree in our litigation, could this court comprehend that a First Amendment violation, Federal Question violation case involving a "Blue chip" plaintiff that is of such importance to our freedoms that this court must consider all the ramifications since the other courts cannot deal with the issues set forth.

2. Privacy Act of 1974 (Title 5 P552A)--as discussed

elsewhere, it appears that the damages or relief requested caused by this clandestine and debilitating assault on the John Harrah familyby

illegal manipulation of the US Government file system to cover or conceal a First Amendment "prior restraint or refusal," could be funded under Title 5 P 552A g (1) D/(4) of the above mentioned law in spite of the obvious cognizance of the CIA since it can be shown that it is a deliberate violation of the Pentagon Papers Principal occurrence, and it appears to be also intentional since there is plenty of evidence to this fact, even misuse of funds by individuals could easily be substantiated.

The Privacy Act of 1974 clearly shows congressional intent to remedy these ills but unconstitutionally grants an unsavory immunity to the CIA files that has enabled a criminal element to usurp the First Amendment in a way that is clearly illegal and unconstitutional. Right to sue is guaranteed by g(1)(D) and (4).

Held to be unconstitutional is any provision of this act which enables a "right of prior restraint or refusal" similar to j (1) since the CIA is the custodian of seized materials (with court orders) and to use an immunity to shield

abuses of this enablement would be unconstitutional.

It is the position of this law suit that portions of the Privacy Act of 1974 as amended, which prohibit lawsuits which attack violations of the Pentagon Papers Precedent inherent in the filing system of the United States Government [USC 5 P 552)] are unconstitutional because such violations authorize a prior restraint/ refusal prohibited by the law.

As it says in the requested 12(c) judgment, it has been a long time since its inception and certainly time for affirmative, positive action for relief.

There is evidence that the president is ready to listen. The National "Book Fair", signaled the urgency of the Plight of the First Amendment.

By osmosis this could be interpreted, even by the most disinterested of observers as a signal of hope of settlement. In these troubled times it appears that all of humanity's hopes for a free literature hangs on this court's interpretation of this precedent. If this suit fails, you are signifying that there is no freedom of speach and the press and religion that is separate from a government right of restraint or refusal.

Related cases (not under review)
01-5099 is a related case by virtue of an undue influence on my son in New York,

discovered by the counsel in the aforementioned case, so that one of the points of the statement of the case had to do with an engenderment from the other case as student loan case against myself which we style as a counter Claim as described above Beginning in 1996 and coordinated with a related case, now US Court of Appeals 015188, the conspirators, using an undue influence, a criminal task force, electromagnetic emanations, personal contact and personal influence; did conspire and execute a plan to stop John Harrah Jr.s matriculation at NYU and School of Law even while he was under the behest of the Veteran's Administration.

Viewed as a First Amendment violation to stop his successful participation in this case, and to neutralize a legal threat from the beleaguered Harrah family.

(This the third lawyer victimized by the antecedents in their lust for an illicit power earlier this complaint references the death o John McCleary, a Mizzou classmate of Harrah's and crack constitutional hand, and John Kennedy Jr. who was also First Amendment by virtue of his amazingly acerbic magazine, "George"

LT 5261-02; VC 397-02

In February of 2002, a clear and unmistakably obvious component of the above incident began to unfold in Washington DC.

For the three years since he had been at the Garfield House, Harrah had noticed that he was becoming surrounded by "ex family members" who were now linked to organized crime. He would see familiar faces on the bus to study or locally, and even noticed that they had bought apartments, etc. adjacent.

It was also apparent that the Lenkin Co., a rental management company with several properties, and including the Garfield House where he lived, also had familiar names on its management team from his service days.

In February, an incident occurred which could have resulted in him being unreasonably "ejected" or evicted from his apartment thereby stymieing this appeal.

He was able to fight the threat off in court, for the time being, and it is on back burner.

A more effective component of this action, was his coming to this area. For reasons complex but pervasive he was unreasonably refused an apartment here delaying this suit for at least 2 years.

John Harrah was evicted without a judge's order and in defiance of a hearing and decision on the Matter on April 4, 2002, all personal effects seized, left in grave danger of losing control of his life here in Washington, DC. The case is on appeal to the DC Court of Appeals, and is approaching a trial stage, now under a repeat request for a stay and recover. Lenkin asserts that Harrah did not attend the eviction, even though there were 200 witnesses and he prevailed

Historical Precedents

This is an exceptional landmark which links in with the US Constitution and important supportive laws. it is also linked to a historical view of world literature, with modern adaptations. It is not easy for most military men to see that a military tyranny is anathema to freedom of speech and the press, and that is the basis of this case. The following are just a very few in the history of this type of suppression to depict where the suit will take us:

a. D.H. Lawrence's final victories in London, England in New York an London in 1959, 60 enabled

"Lady Chatterly" to be published legally even though posthumously. He had long had problems with the censors, even after death.

b. Henry Miller's Tropics

C.Boris Pasternak Dr. Zhivago

D. James Joyce's Ullvses

E. Herman Wouk's troubles with US Navy circa 1960

F. Zola's intervention in France at the turn of the century was instrumental in ending the dreadful "Dreyfus Affair

F. Constitutional Provisions,

Court asked to strike down CIA Immunity, Feres doctrine

CIA Immunity

The Court is asked to declare CIA Immunity [P j(1)]portions of the Privacy Act of 1974 unconstitutional [USC 5 P 552)] because such violations authorize a prior restraint/refusal prohibited by the First Amendment,

The lawsuit attacks violations of the Pentagon Papers Precedent made possible by this feature of the Privacy Act and features inherent in the filing system of the United States Government.

Since Access to files or buildings is not requested, there is no reason that the CIA should not agree to be sued for this First Amendment Violation, which is ongoing.

Feres Doctrine

In addition, the court is asked to strike down the so-called "Feres Doctrine," because of the following reasons:

1. FTCA isn't suitable for constitutional and violations of laws not specifically adapted for it.
2. FTCA is used by bureaucracy to "pester" and intimidate plaintiffs, forcing to make a deal that is not in their best interest, --it obviates due process of law by taking away the plaintiff' s choice of litigation against the US.
3. Mandatory FTCA assignment is not legal under Article III of the Constitution since it is not Congressionally enabled.

G. Statement of the Case

Present Dav

Dismissal by the US Court of Appeals (DC Circuit) was illegal because it did not afford an impartial hearing (no hearings at all either in trial court or at the appellate level, only summary justice, military style, with no due process of law and no trials were ever conducted.)

Harrah was mysteriously evicted from his apartment in April of this year, apparently by the president of the United states, according to official documents, illegally, and the evidence and personal effects apparently impounded by the Justice Department, judging from the backgrounds of the perpetuators.

Judge Hogan is accused of using an undue influence almost continually since the litigation began, masking more serious wrongdoing, so that his present misconduct threatens and defeats the appellate jurisdiction of the Supreme court of the US.

Historically

The office of the Presidency, in collusion with the FBI and CIA in 1967 and then again in 1971 illegally blocked publication of *The Face of God* and the *Reduction of Santa Barbara* without a court order, a First Amendment violation, triggering the Pentagon Papers Incident, The Office of the President either acquiesced to or planned and carried out the blockage, suppression and sublimation of authors as political prisoners or some variant thereof, a novel The Face of God and novelette "The Reduction of Santa Barbara" for a period of over

thirty years. This is also a cause of the "Watergate Incident)

Harrah's creative materials were physically and unconstitutionally and illegally seized, in 1972, from his home and he was placed in an ongoing "political prisoner" status, under either Cointelpro (FBI) or Chaos (CIA) or a paralell p0lan, not for violent overthrow of the government, but simply for writing a novel and novelette.

Under the law, the CIA is tasked with instituting an "archives" of seized books and the FBI is tasked with actually seizing them and turning them over to the CIA for inclusion in these archives but it must be under tight control of a court order which was violated in this case. (Westlaw)

In those turbid revolutionary times he was involved with members of the local Jaycees, and the VVA and American Legion and VFW, not to mention members of the anti war movement both in San Francisco and New York. Just after the Pentagon Papers precedent was resolved, The Paris Peace Talks resulted in the return of the POW's. After writing The Face of God, Harrah was turned over to a real or parallel political prisoner program of the US government FBI (cointelpro), CIA (CHAOS) using an illegal surveillance and thereby blocking his due process of law by manipulation of the CIA record system. The family was harassed and persecuted at the hands of secret but real adversaries.

The defendants by agreement and secret violation of their oaths of office, exacted jealous revenge in turn to vilify and debase.

During this time the family were subjected to physical abuse, personal injury, mental torment through electronic emanations, and humiliation and vilification in public view, along with personal failure and degradation and physical injury.

During this period, and In a conspiracy, while the Harrah's were electronically mentally incapacitated, emulating the Russian Communist suppression program, the Defendants criminally and willfully violated the spirit and intent of the First Amendment to the Constitution of the United States with a Pentagon Papers precedent violation, Illegally blocking the publication of The Face of God and "The Reduction of Santa Barbara," without a court order, and then continuing to block publication until present day. (Illegally blocking means blocking or preventing publication without a court order, exercising a right of prior refusal or restraint that is not legal in this country. Harrah's sons, John and David were also damaged by this action.)

In a conspiracy the Defendants criminally and willfully violated the First Amendment Rights of the plaintiff modifying without

BEST AVAILABLE COPY

permission, then creating and marketing the resultant as a high profit feature film, Top Gun, with approval at the highest level.

Evidence will show this suppression has lead to an era of decadence in American letters, and at least 14 deaths are linked to this matter. (See enclosed list)

At the same time, there is evidence that the US government, perhaps acting illegally, has a secret `school for spies', a program of a powerful government bureau with direct ties to the underworld to instruct government `spies' and subjects how to get `approved work' published, even when highly educated and erudite trained serious personnel can't publish because of government disapproval in secret.

What is Required?

1. Different Judge

2. Judgment

3. Constitutional Questions

4. Remand or new trial

5. Injunction

1. Writ of Mandamus

A. Correct Jurisdictional Error

2. Writ of Prohibition

Appellate jurisdiction of US Supreme Court defeated by unlawful actions of lower court.

A. Writ denies Judge access to plaintiff's law suit and family in any form including high tech waves and other transceiver activity. Any further jurisdiction by any means is precluded including mandates by foreign countries in the US.

Injunct Veterans Against Censorship Activity

By engaging in an illegal conspiracy to illegally

control American life by censoring books, and in support of the CIA's Privacy Act Immunity, the three main branches of the veterans movement, through conventional means of censoring, such as lists, etc., have entered our schools in an effort to emulate their success in suppressing the Face of God and "the reduction of Santa Barbara," by intervening in book censorship matters in intermediate and high schools.

Only injunctive relief asked is an enablement decision to "prepare" the court to injunct the National Headquarters of these veterans units locally to get out of all phases of book censorship, most especially in our and secondary schools because of their illicit and irresponsible participation in the "Harrah Affair." and out of our schools below the school board level on a permanent basis as a pro Freedom of Speech, Press and Religion to avoid an undue influence and preserve our youth until their majority from a lawless and demeaning military rhetoric which could glorify the experience called "The Harrah Affair".

Injunct President Against Further Blockage of Harrah

The law suit against the president is not under the Privacy act, but for injunction only under the Pentagon Paper Precedent with the mentioned injunctions necessary for Harrah's

relief

First Amendment to the Constitution violation,
Pentagon Papers Precedent
Privacy Act of 1974 violations
See Appendix for abbreviated text.

Dismantle "School for Scandal"; Protect Writers From Government Sanctions

Special Prosecutor, DOD Screening
During Clinton presidency after filing this lawsuit, by an undo influence, we allege the Attorney General colluding with members of the White House Staff and others, failed to present this case to the President for acceptance, even though we asked for this in our motions and they are legally obligated to do this with serious constitutional violations such as this.

In point of legal fact, it is not necessary to have an acceptor or correspondent in the government similar to the Pentagon Papers in Privacy Act of 1974 since it has criminal overtones. The antecedents are expert legal tacticians and knowledgeable technically, also) and well knew the ramifications of not presenting the case to Bill Clinton who is a good lawyer, would have settled this matter by negotiation without need for further litigation so that the First Amendment would continue to flourish, and insure our freedom into the future.

US Attorney General Recuses Self

The US Attorney's docketing of our recusal of Atty General Reno for conflict of interest and undue influence and the subsequent firing of subordinate but powerful contributor on 6/ 14, 6/ 15, 7/ 17, 7/25, signal the government's disenchantment with the handling of this case and a willingness to be reasonable, but would it support unconstitutionality of USC 5 552 j (l)? The government cannot have denied the existence of the surveillance techniques suggested in Plaintiff's complaint, at the same time being the world's authorities on their employment.

We did not offer proof of our facts at the time, relying on a expert testimony which we stand ready to provide through a Discovery. It seems fortuitous to continue to respect the confidential nature of disclosures in light of the physical threat from the forces named in the complaint and others. but would following a discovery.

The plaintiff has grievous wounds caused by "hits" or other type of the injuries earlier discussed in this record. Why would others, not as deeply involved want to come forward for a juvenile treatment as this only to get hit themselves.

Our repeated suggestion that the US Attorney appoint a Special prosecutor and DOD Investigation has been ignored by these selfsame articulate sages.

The US Attorney seems to be complaining not about dishonesty in plaintiff's pleadings but about form or submission. The plaintiff's position is that this pro se action is basically true, and as such is above the attorney's wild or baseless criticisms and as such could not be frivolous.

No Active Powers of Attorney Recognized by Plaintiff

The plaintiff has not knowingly granted or willingly allowed any Powers of Attorney to be active at this time in this or related cases and renounces and holds valueless any other representations.

Damage Estimates by Plaintiff

An informed source has elaborated on the estimate and has said that the Top Gun movie, "made 500,000.00 a day for the first 7 years and 400,000.00 a day since then." This is in actual cash delivered to the headquarters. Total at this time is over $5 billion.

The movie was screened in 1986

The figure that information has revealed set by the plaintiff's own investigation of the situation and reported by at least two informed sources knowledgeable about the damages done to the plaintiffs by this negligent and irresponsible acts and behavior is $800,000,000.00.($800 million dollars) this is far less than the actual cash receipts of the film which is ongoing and should not be disturbed.

This figure uses the copyright laws as a dip stick, with particular attention to the laws in force when this suppression began. By blocking his right to freedom of speech and the press for some 30 plus years using an illegal prior restraint/approval, the government tacitly admits these damages of the plaintiff. This figure is mandated by the known receipts of the Top Gun Movie for which the script was clearly pirated or used without his permission. By "acquiring " and controlling

him, clearly a writer protected by the First Amendment in the prime of his creative years, snuffing out his voice, suppressing his family, blocking his right to freedom of speech and the press for some 30 plus years in the form of an illegal prior restraint or approval, the government has damaged plaintiff and the cause of Freedom of Speech, Press and Religion gravely and can only be remedied by relief in the amount stipulated and the injunctive relief requested.

It is clear that the requested damages are appropriate. The movie was screened in 1986. The damage by this act to him and his family and the 5 billion dollar sales of the property over the 26 ensuing years merit this award.

Problems with Judge

Here is a rough outline of the problems we have faced with Judge Hogan, seemingly a claims court practitioner, certainly an antecedent for his own reasons, from the beginning. Filed on the original sheet as a First Amendment Civil Action he has been accused of the following:

a. illegal use of an undue influence on a casual basis. (See appendix 1) against plaintiff, news media and other interested parties.

b. It is clearly filed as a federal question but by a new pro se litigant (See Appendix 1)

c. Judge is fully prejudiced; since "blue chip" status obscures his bloated view

of his own importance.

d. Didn't admit at least injunctive jurisdiction; status as counter claim would have helped.

e. Didn't give fair hearing in any conceivable way, at last unreasonably blocking mandate for Supreme Court Appeal. Judge never ruled in our favor and there was no hearing during the proceedings.

f. Claims Court Judge is unqualified for Civil action with criminal overtones.

g. Didn't let recusal of attorney general on conflict of interest affect his steadfast prejudice.

h. Judge is high roller in entertainment industry selling influence and favors, giving rise to suspicions, earlier stated in a Judicial Complaint, that my complaint had been sold to Ted Turner or at least called to his attention, which could be material for The District TV program being filmed here.

Respectfully Submitted

/s/ John Harrah

Appendices (i)--(vi)

Supreme Court Rule 14.1 establishes rules for Appendices; this is an index to our abbreviated, condensed version, appendix, meant only to suggest and not to answer. This rule clearly establishes that Appendices may be included in Petition. For authoritative information, consult original documents

Court of Appeals August ruling .(i)
Westlaw version of Pentagon Papers (ii)
Precedent, condensed.
B. Privacy Act of 1974, excerpts, condensed (iii)
Court of Appeals Oct. 31, 2001 ruling (iv)
US District Court Opinion, TF Hogan (v)
Affidavit of Judgment (vi)
Undue Influence
B. Deaths of Writers, advocates
C. Civil Cover Sheet

States Court of Appeals
FOR THE DISTRICT OF COLUMBIA
CIRCUIT

No. 01-5099 September Term,
2000cv1227 Stamped 8/28/01

John F. Harrah, Sr
Appellant
vs
United States of America, et al.,
Appellees
BEFORE:
Ginsburg, Chief Judge; Williams and Sentelle, Circuit Judges

ORDER

Upon consideration of the motion for voluntary dismissal, and the motion to amend the motion for voluntary dismissal; the motion for summary affirmance, and the response thereto; this courts order to show cause filed June 12, 2001; the motion for summary reversal, and the supplement thereto; and the motion for oral argument en banc, it is

ORDERED that the order to show cause be discharged. It is

FURTHER ORDERED that the motion to amend the motion for voluntary dismissal be granted. It is

FURTHER ORDERED that the motion for voluntary dismissal, which is construed as a motion

for remand, be denied. It is

FURTHER ORDERED that the motion for summary reversal be denied, and that the motion for summary affirmance be granted, substantially for the reasons stated by the district court in its order filed January 28, 2001. The merits of the parties' positions are so clear as to warrant summary action. It is

FURTHER ORDERED that the motion for oral argument en banc be dismissed as moot.

United States Court of Appeals BEFORE:
/s/ Ginsburg, Chief Judge; Williams and Sentelle, Circuit Judges

The Clerk is directed to withhold issuance of the mandate herein until seven days after disposition of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam

/s/ Ginsburg,Williams,Sentelle

Excerpts from Westlaw, Pentagon Papers Precedent.

Supreme Court of the United States

NEW YORK TIMES COMPANY, Petitioner,
v.
UNITED STATES.
UNITED STATES, Petitioner,
V.

The WASHINGTON POST COMPANY et al.

Nos. 1873, 1885.

Argued June 26,1971.
Decided June 30, 1971

(highly edited for brevity and clarity)
For example only.

The United States sought to enjoin newspapers from publishing contents of classified historical study on Viet Nam policy. In which case, the District Court for the Southern District of NYC, rendered judgment from which the Government appealed, and the Court of Appeals for the Second Circuit, remanded and continued stay. In the other case, the DistrictCourt for the District of Columbia rendered judgment from which the Government appealed, and the Court of Appeals for the District of Columbia Circuit

affirmed, In both cases certiorari was granted. The Supreme Court held that the Government had not met its burden of showing justification for imposition of restraint on publication of the contents of the study.

Judgment of the Court of Appeals for the District of Columbia Circuit affirmed; order of the Court of Appeals for the Second Cir reversed and case remanded with directions.

Any system of prior restraints of expression bears heavy presumption against its constitutional validity, and Government carries he burden of showing justification for imposition of such a restraint.

In cases in which the Government sought to enjoin newspapers from publishing contents of classified study on the "History of United States Decision Making Process on Viet Nam Policy", Government failed to meet its burden of showing justification for imposition of s restraint.

We granted certiorari, 403 U.S. 942. 943, 91 S.(t. 22'70, 2271,29 L.Fd.~Id 853 (19711 in these cases in which the United States sought to enjoin the New York Times and the Washington Post from publishing the contents of a classified study entitled 'History of l DecisionMaking Process on Viet Nam Policy.'

Any system of prior restraints of expression comes to this Court bearing a heavy presumption against its constitutial validity.

The Government 'thus carries a heavy burden of showing justifict for the imPositionof such a restraint

. The District Court for the Southern District of New York and the District Court for the District of Columbia and the Court of Appeals for the District of Columbia Circuit,, in Washington Post case held that the Government had not met that burden. We agree.

The judgment of the Court of Appeals for the District of Columbia Circuit is therefore affirmed. Fhe order of the Court of App for the Second Circuit is reversed, 444 F•_Md _¢ S. and the case is remanded with directions to enter a judgment affirming the judge of the District Court for the Southern District of New York. The stays entered June 25, 1971, by the Court are vacated. The judge shall issue forthwith.

So ordered.

Judgment of the Court of Appeals for the District of Columbia Circuit affirmed; order of the Court of Appeals for the Sec Circuit reversed and case remanded with directions.

Mr. Justice BLACK, with whom Mr. Justice DOUGLAS joins, concurring. DP I adhere to the view that the Government's against the Washington Post should have been dismissed and that the injunction against the New York Times should have vacated without oral

argument when the cases were first presented to this Court. 1 believe *715 that every moment's continuance the injunctions against these newspapers amounts to a flagrant, indefensible, and continuing violation of the First Amendment Furthermore, after oral argument, 1 agree completely that we must affirm the judgment of the Court of Appeals for the District Columbia Circuit and reverse the judgment of the Court of Appeals for the Second Circuit for the reasons stated by my Brotl DOUGLAS and BRENNAN. In my view it is unfortunate that some of my Brethren are apparently willing to hold that the publication of news may sometimes be enjoined. Such a holding would make a shambles of the First Amendment.

Our Government was launched in 1789 with the adoption of the Constitution. The Bill of Rights, including the First Amendment followed in 1791. Now, for the first time in the 182 years since the founding of the Republic, the federal courts are asked to hold the First Amendment does not mean what it says, but rather means that the Government can halt the publication of current new; vital importance to the people of this country.

In seeking injunctions against these newspapers and in its presentation to the Court, the Executive Branch seems to have forgotten essential purpose and history of the First Amendment. When the Constitution was adopted, many people strongly opposed it because the document contained no Bill of

Rights to safeguard certain basic freedoms.

They especially feared that the powers granted to a central government might be interpreted to permit the government to curtail freedom of religion, press, assent and speech. In response to an overwhelming public clamor, James Madison offered a series of amendments to satisfy citizens these great liberties would remain safe and beyond the power of government to abridge. Madison proposed what later became First Amendment in three parts, two of which are set out below, and one of which proclaimed: 'The people shall not be deprive abridged of their right to speak, to write, or to publish their sentiments; and the freedom of the press, as one of the great bulwark liberty, shall be inviolable.'.. The amendments were offered to curtail and restrict the general powers granted to the Executive Legislative, and Judicial Branches two years before in the original Constitution. The Bill of Rights changed the original Constitution into a new charter under which no branch of government could abridge the people's freedoms of press, speech, religion, and assent Yet the Solicitor General argues and some members of the Court appear to agree that the general powers of the Government added in the original Constitution

' Both the history and language of the First Amendment support the view that the press must left free to publish news, whatever the source, without censorship, injunctions, or prior restraints.

'The civil rights of none shall be abridged on

account of religious belief or worship, nor shall any national religion established, nor shall the full and equal rights of conscience be in any manner, or on any pretext, infringed.'
'The people shall not be restrained from peaceably assembling and consulting for their common good; nor from applying the Legislature by petitions, or remonstrance's, for redress of their grievances.' I Annals of Cong. 434.

End of quoted material

6. Privacy Act of 1974 5 USC § 552a passages:

Provided for your convenience, excerpts follow below. Privacy Act 1974 and the Freedom of Information Act in 3 segments:

Segment 1

Records maintained on individuals

(a) Definitions

For purposes of this section

(1) the term "agency" means agency as defined in section 552(f) of this title;

(2) the term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

(3) the term "maintain" includes maintain, collect, use or disseminate;

(4) the term "record" means any item, collection, or grouping of

Segment 2

information pertaining to him, including special procedure, if deemed necessary, for the disclosure to an individual of medical records, including psychological records, pertaining to him;

(4) establish procedures for reviewing a request from an individual concerning the amendment of any record or information pertaining to the individual, for making a determination on the request, for an appeal within the agency of an initial adverse agency

determination, and for whatever additional means may be necessary for each individual to be able to exercise fully his rights under this section; and
(5) establish fees to be charged, if any, to any individual for making copies of his record, excluding the cost of any search for and review of the record. The Office of the .Federal Register shall biennially compile and publish the rules promulgated under this subsection and agency notices published under subsection (e)(4) of this section in a form available to the public at low cost.

(g)(1) CIVIL REMEDIES. Whenever any agency
(A) makes a determination under subsection (d)(3) of this section not to amend an individual's record in accordance with his request, or fails to make such review in conformity with that subsection;
(B) refuses to comply with an individual request under subsection (d)(1) of this section;
(C) fails to maintain any record concerning any individual with such accuracy, relevance, timeliness, and completeness as is necessary to assure fairness in any determination relating to the qualifications, character, rights, or ,opportunities of, or benefits to the individual shat may be made on the basis of such record, and consequently a determination is made which is adverse to the individual; or
(D) fails to comply with any other provision of this section, or any rule, .promulgated thereunder, in such a way as to have an adverse effect on an individual, the individual may bring a civil action against the agency, and the district courts of the United States shall have jurisdiction in the matters under the provisions of this subsection.

(2)(A) In any suit brought under the provisions of

subsection (g)(1)(A) of this section, the court may order the agency to amend the individual's record in accordance with his request or in such other way as the court may direct. In such a, case the court shall determine the matter de novo.
(B) The court may assess against the United States reasonable attorney fees and other litigation costs reasonably incurred in any case under this paragraph in which the complainant has substantially prevailed.

(3)(A) In any suit brought under the provisions of subsection (g)(1)(B) of this section, the court may enjoin the agency from withholding the records and order the production to the complainant of any agency records improperly withheld from him. In such a case the court shall determine the matter de novo, and may examine the contents of any agency records in camera to determine whether the records or any portion
§ 552a
thereof may be withheld under any of the exemptions set forth in subsection (k) of this section, and the burden is on the agency to sustain its action.
(B) The court may assess against the United States reasonable attorney fees and other litigation costs reasonably incurred in any case under this paragraph in which the complainant has substantially prevailed.

In any suit brought under the provisions of subsection (g)(1)(C) or (D) of this section in which the court determines that the agency acted in a manner which was intentional or willful, the United States shall be liable to the individual in an amount equal to the sum of
(A) actual damages sustained by the individual as a result of the refusal or failure, but in no case

shall a person entitled to recovery receive less than the sum of $1,000; and
(B) the costs of the action together with rea reasonable attorney fees as determined by the court.

(5) An action to enforce any liability created under this section may be brought in the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, or in the District of Columbia, without regard to the amount in controversy, within two years from the date on which the cause of action arises, except that where an agency has materially and willfully misrepresented any information required under this section to be disclosed to an individual and the information so misrepresented is material to establishment of the liability of the agency to the individual under this section, the action may be brought at any time within two years after discovery by the individual of the misrepresentation. Nothing in this section shall be construed to authorize any civil action by reason of any injury sustained as the result of a disclosure of a record prior to September 27, 1975.

(h) RIGHTS OF LEGAL GUARDIANS. For the purposes of this section, the parent of any minor, or the legal guardian of any individual who has been declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction, may act on behalf of the individual.

(i)(1) CRIMINAL PENALTIES. Any officer or employee of an agency, who by virtue of his employment or official position, has possession of, or access to, agency records which contain individually

identifiable information the disclosure of which is prohibited by this section or by rules or regulations established thereunder, and who knowing that disclosure of the specific material is so prohibited, willfully discloses the material in any manner to any person or agency not entitled to receive it, shall be guilty of a misdemeanor and fined not more than $5,000.

(2) Any officer or employee of any agency who willfully maintains a system of records without meeting the notice requirements of subsection (e)(4) of this section shall be guilty of a misdemeanor and fined not more than $5,000."

(3) Any person who knowingly and willfully requests or obtains any record concerning an individual from an agency under false pretenses shall be guilty of a misdemeanor and fined not more than $5,000.

Segment 3

exempt any system of records within the agency from any part of this section except subsections (b), (c)(1) and (2), (e) (4)(A) through (F), (e)(6), (7), (9), (10), and (11), and (i) if the system of records is

(1) maintained by the Central Intelligence Agency; or

(2) maintained by an agency or component thereof which performs as its principal function any activity pertaining to the enforcement of criminal laws, including police efforts to prevent, control, or reduce crime or to apprehend criminals, and the activities of prosecutors, courts, correctional, probation, pardon, or parole

authorities, and which consists of (A) information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrests, the nature and disposition of criminal charges, sentencing, confinement, release, and parole and probation status; (B) information compiled for the purpose of a criminal investigation, including reports of informants and investigators, and associated with an identifiable individual; or (C) reports identifiable to an individual compiled at any stage of the process of enforcement of the criminal laws from arrest or indictment through release from supervision.

At the time rules are adopted under this subsection, the agency shall include in the statement required under section 553(c) of this title, the reasons why the system of records is to be exempted from a provision of this section. (k) Specific exemptions The head of any agency may promulgate rules, in accordance with the requirements (including general notice) of sections 553(b)(1), (2), and (3), (c), and (e) of this title, to exempt any system of records within the agency from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (1) and (f) of this section ff the system of records is

(1) subject to the provisions of section 552(b)(1) of this title;

(2) investigatory material compiled for law enforcement purposes, other than material

within the scope of subsection Q)(2) of this section: Provided, however, That if any individual is denied any right, privilege, or benefit that he would otherwise be entitled by Federal law, or for which he would otherwise be eligible, as a result of the maintenance of such material, such

End of quoted material

(iv).

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 01-5099 September Term, 2001 Stamped Oct 31, 2001

FOR DISTRICT OF Columbia CIRCUIT

United States of America, et al.,
Appellees CLERK

BEFORE: Ginsburg, Chief Judge; Edwards, Sentelle, Henderson, Randolph, Rogers, Tatel and Garland, Circuit Judges

ORDER

Upon consideration of appellant's petition for rehearing en banc, and the absence of a request by any member of the court for a vote, it is

ORDERED that the petition be denied.

Per Curiam

/s/ Mark J. Langer by Michael C. McGrail

(v)

Judge Hogan's dismissal of 26 Jan. 2001 (somewhat abbreviated)

UNITED STATES DISTRICT COURT
FILED FOR THE DISTRICT OF COLUMBIA
Civ. No. CV1227 (TFH)
JOHN F. HARRAH, SR.,

vs.

UNITED STATES OF AMERICA,)
WILLIAM JEFFERSON CLINTON.)

Defendants.

MEMORANDUM OPINION

Pending before the Court is defendants' Motion to Dismiss, or Alternatively for Summary Judgment. Upon careful consideration of defendants' Motion, plaintiffs Memorandum of Rebuttal of Federal Defendants' Motion to Dismiss ("PI's Rebuttal"), defendants' reply, and the entire record herein, this Court will grant defendants' Motion to Dismiss.

I. BACKGROUND

Harrah filed his original Complaint in this case on May 31, 2000 and filed a First Amended Complaint("Amended Comp.") on September 28, 2000.' Plaintiff issuing for violations of the First Amendment and for personal injury, wrongful

death, and injunctive relief.

---

1. Specifically, Since plãintiff filed his First Amended Complaint before the federal defendants
responded to the original Complaint, he had the right to file the amended complaint pursuant to Fed. R. Civ. P. 15(a) ("A party may amend the patty's pleading once ere a matter of course at any time before a responsive pleading is served . . . :
Therefore, plaintiff's Motion to Amend Pleadings is granted and plaintiffs First Amended Complaint is deemed filed.

2.Plaintiff apparently seeks to recover for the wrongful deaths of Journalist Bowles,. publisher Larry Flynt, teacher/writer Bobby Hannissee, military flyer Lynn Catanzam, attorney John McCleary, JFK Jr., Salmon Rushdie, and Ken
Sarowiwa.See Amended complaint P15-23.

3.The original named defendants included William Jefferson Clinton, Masad, Vietman Veterans of America, Veterans of Foreign wars, the Catholic Church Diocese and NASA. However plaintiff's First Amended complaint names as the sole defendant in this case William Jefferson Cl;inton in his official capacity. There fore it appears and

> the court will assume that plaintiff now intends to sue only Clinton in his official capacity as president of the united States and head of the executive branch of the federal government. See First Amendment comp. At I; see also PI's rebuttal at 3 (the president is being sued as a clearing house of the executive branch.

Specifically plaintiff claims that his First Amendment rights were violated when the defendants blocked the publication of his two literary works and used, without plaintiffs permission, the contents of these works to form the basis of the movie Top Gun. In addition, plaintiff claims that he and his two sons were taken as political prisoners and subjected to "ongoing physical abuse, personal injury, mental torment through electronic emanations. and humiliation and vilification in public view. along with personal failure and degradation and physical injury." Amended Comp. at 1 13. Finally. claims that these defendants arc involved in a massive conspiracy to suppress unpopular or controversial viewpoints, thereby continuously violating the First Amendment rights of many Americans: the "illegal means" used for this "suppression/repression includes i [sic] but is not limited to microwave transmissions by use of ground stations and extensive I misuse of spy satellites;" as well as the construction of illegal surveillance mechanisms in the port structures of personal computers which "allows the big companies to sink a 'home base' or port in your PC (and

corresponding one in your brain) without notice . . . ." Amended Comp. at 71 2729.6367. On December 1, 2000, the federal defendants filed a Motion to Dismiss pursuant to Fed. R. Civ. P. 8(a). g(e), l2(b)(1). 12(bH2), 12(6)(4), 12(6)(5) and 12(6)(6); or alternatively, for summary judgment pursuant to Fed. R. Civ. P. 56 3

, plaintiff sFirst Amended Complaint names as the sole defendant in this case William Jefferson Clinton in his official capacity. Therefore, it appears, and the Court will assume, that plaintiff now intends to sue only Clinton in his official capacity as President of the United States and head of the executive branch of the federal government. ,U First Amended Comp. at 1; am also PI's Rebuttal at 3 ("The president is being sued as a clearing house for the executive branch'.

. **DISCUSSION**

Defendants have moved to dismiss, because plaintiff has failed to plainly plead his case;

this Court lacks jurisdiction over plaintiffs claims; and plaintiff fails to state a claim upon which relief may be granted.

A. Failure to Adequately Plead Cases

Fed. R. Civ. P. 8(a) sets a minimum standard for the sufficiency of complaints,

providing that a complaint "shall contain (1) a short and plain statement of the grounds upon which the court's jurisdiction depends . . . [and] (2) a short and plain statement of the claim showing that the pleader is entitled to relief . . . ." Fed. R. C'rv. P. 8(a); see also Fed. R. Civ. P. 8(e) ("Pleadings to be Concise and Direct"). The purpose of this role is to "give fair notice of the claims being asserted so as to permit the adverse party the opportunity to file a responsive answer. prepare an adequate defense, and determine whether the doctrine of res judicata is applicable." Brown v. Califino, 75 F.R.D. 497, 498 (D.D.C. 1977) (dismissing pro se complaint which was a "labryinthian prolixity of unrelated and vituperative charges that defied comprehension'l. In addition, the rule serves to "sharpen the issues to be litigated and to confine discovery and the presentation of evidence at trial within reasonable bounds." JI,

Although Rule 8(a) is to be liberally construed, especially where, as here. the plaintiff is proceeding pro se even a g&u complaint is subject to dismissal if the pleading fails tó reasonably inform the adverse party of the asserted cause of action.

In fact, courts have unhesitatingly dismissed actions where the complaint consisted of "a confused and rambling narrative of charges and conclusions concerning numerous [unnamed] persons, organizations, an" &;'incoherent and delusion ramblings," Coleman v. Ginerich, 1997 WL 88113 (D.D.C. 1997); allegations "so verbose, eonfused and redundant that its true

substance, if any was well disguised.

In this case, plaintiff has failed to comply with both the letter and spirit of Rule 8. The II complaint dons not identify how, when, or where the plaintiff and his sons became political prisoners of this country, and does not identify when and where the alleged personal injury occurred and who caused these injuries to occur.

Although plaintiff has filed a forty nine page Complaint and a fifty four page Amended Complaint detailing his theories on the history of censorship ad suppression in this country and the roles played by the Catholic Church, the Mafia. Hollywood, and the makers of personal computers in enforcing this suppression, neither complaint adequately describes or explains the specific alleged harms that have befallen this plaintiff. Plaintiff devotes great time in his complaints to the alleged harms that have befallen famous figures such as JKF, Jr., whom he believes was assassinated due to the strong pro freedom stance of JFK Jr.'s magazine, ; but with regard to his own situation, plaintiff merely states dud he has ban "suppressed;" kept as a political prisoner of the U.S. Government using illegal surveillancc," and that his First Amendment rights have been violated by the illegal suppression of his literary works and career. So Amended Comp. After carefully reviewing the lengthy pleadings filed by plaintiff in this action thus far, this Court still has no idea when, where, or how these alleged incidents occurred, let alone specifically who caused them. "Even a pro se complaint must

outline all of the elements of the claim;" and should be dismissed if it Fails to reasonably inform the adverse party of the asserted causes of action." Delgado v. Federal Bur. of Presents, 727 F. Supp. 24, 27 (D.D.C. 1989). Plaintiff's Complaint and Amended Complaint in this case contain a confined assortment of allegations that are neither plainly or concisely stated, nor meaningfully distinguished from bold conclusions, sharp harangues, and personal comments. ,5" own, 75 F.R.D. at 499; ~,pj~ Pratzi v. Bmrak. 57 F.ILD. 149, 151 (S.D.N.Y. 1972) ("Complaints which ramble, which needlessly speculate, accuse, and condemn, and which contain circuitous diatribes far removed from the heart of the claim . . moist be dismissed"). Plaintiffs complaints appear to he devoted almost entirely to speculation' plaintiff has not alleged with even modest particularity the dates and places of the actions of which he complains, let alone the individuals responsible for these actions. The Complaint and Amended Complaint in this case are clearly the type of "confused arid rambling narrative of charges std conclusions concerning numerous [unnamed] persons, organizations, and agencies," that courts freely dismiss for failure to satisfy the pleading requirements of Fed. R. Civ. P. 8(s). 0123M 75 FA.D. at 499; see Wee hVZ&i, 57 F.R.D. at 149 (dismissing gas complain, comprised of fiftythree legal sized pages, single-spaced typing, because it conformed with neither the form nor spirit of Fed. R. Civ. P. 8). Therefore, this action must be dismissed for failure to comply with Fed. R. Civ. P. 8. H.

B. Lack of Subject Matter Jurisdiction

The Supreme Court has held that "federal courts are without power to entertain claims otherwise within their jurisdiction if they arc so attenuated and insubstantial as to be absolutely devoid of merit." Hagans v. lavine, 415 U.S. 528, 536 (1974); see also Best Y, Kell 39F.3d 328, 330 (D.C. Cir. 1994) (recognizing that certain cases wherein the plaintiffs claim "bizarre conspiracy theories . . . fantastic government manipulations of their will or mind [or] supernatural

---

4. See e.g. Pl's Mem of Rebuttal at 9 (The plaintiff cannot guarantee disclosure of any first hand material on this subject or that any criminal activity goes on here.")

intervention; 'are so patently insubstantial that they may be dismissed without prejudice for lack of subject mailer jurisdiction). A federal question is considered "plainly

Insubstantial" if it is "obviously without merit" or if "its uneoundnt;as so clearly results from the previous decisions of this court as to foreclose the subject and leave no room for the inference that the question sought to be raised can be the subject of controversy." fd, at 537.

This would appear to be such a case. Plaintiff's claims that JFK, Jr. was "hit" in a conspiracy by the defendants because he was

publishing George Magazine. ,= Amended Comp. at 121; that suppression and repression of First Amendment rights are accomplished by the government using microwave transmissions, ground stations, and spy satellites, jd~ IM 27, 29; that plaintiff and his family were subjected to physical abuse, personal injury, and mental torment Vuough electronic emanations, 4„ 11, 29; that plaintiffs literary compositions were the "teal" reams behind the Watergate break•in, jQ.r 40, 104; that big companies and the government use the "pmt" structure on personal computers to sink a "home base" or "pat" in personal computers and a corresponding one in err individual's brain, similar to an "embedded technology," in which a small transmitter is placed under the skin of the head and then they are controlled in zombie like stares, id, r 65•66; that these "ports" are used to influence people's thoughts, jQ, IM M (A) (B); that emanations are transmitted through these "ports" which control thoughts and behaviors, i i jiL 1147; that the Internet is being used by the government as part of a conspiracy to violate plaintiffs First Amendment right; iQ,' 149; and that the American Legion, the Victrrsm Veterans Administration, and the Catholic Church, are in league with the Mafia and are conspirators in an effort to violate plaintiff's First Amendment rights, jly 1M 6, 43•45, 48•50, 3455, 60; do trot present legitimate questions of federal question jurisdiction and thus should be dismissal for lack of subject matter jurisdiction pursuant to Fed. R. Civ. P. 12(b)(1).

Moreover, this Court lacks subject matter jurisdiction over plaintiffs damage claims in this case because sovereign immunity bars these claims. Plaintiff has clarified that he is only suing William Jefferson Clinton in his official capacity and that he is not pursuing a Bivens action in this case.' See Amended Comp. at l; Pl's Rebuttal at 6. Contrary to plaintiff's argument that sovereign immunity is "not generally accepted," Pl's Rebuttal at 5, it is well established that sovereign immunity bars damage actions against the United States or its officers sued in their official capacity for violations of constitutional rights unless there is an explicit waiver of this immunity. b See Wishard v. Department of Justice, No. 005074, 2000 WL 1093076, at * 1 (D.C. Cir. June 13, 2000) ("Absent a specific waiver by the government, sovereign immunity also bars constitutional suits for money damages against government employees in their official capacity, even in cases where the employee acted outside his authority"); Clark v. Library of Cones, 750 F.2d 89, 10204 (D.C. Cir. 1984). The sovereign may not be sued except to the extent it consents to be sued. Block v. North Dakota, ex rel. Board of University and School Lands, 461 U.S. 273, 280 (1983). The United States has not consented to suits against it for monetary relief for constitutional violations. See Rudder v. United States, No. 851969, 1987 WL 19232, at *2 (D.D.C. Oct. 20, 1987); see also Brown v. United States, 653 F.2d 196, 199200 (5th Cir.), reh. denied, 659 F.2d 1075 (5th Cir.1981), cert. denied, 456

BEST AVAILABLE COPY

immunity of government officials for personal liability are moot, since plaintiff has clarified that he is only suing the President in his official capacity. See Amend. Comp. at 1; Pl's Rebuttal at 6 ("we are suing the office of the presidency and not any particular persons").
Plaintiff has clarified in his Rebuttal that he is not asserting any tort claims in this action. See Pl's Rebuttal at 6. Moreover, although plaintiffs Amended Complaint asserts personal injury and wrongful death causes of action, plaintiff has provided the Court with no jurisdictional basis for these claims. Furthermore, plaintiff appears to lack standing to bring the wrongful death action, since he does not allege that he is the beneficiary of any of the deceased's estates.

U.S. 925 (1982); Birnbaum v. United States 588 F.2d 319, 32728 (2d Cir.1978). This sovereign immunity regarding constitutional claims for damages extends to federal officers in their official capacities.)ijlJ6 750 F.2d at 10204. Therefore, plaintiffs claims for monetary relief for constitutional violations must he dismissed.

In addition. this Court also lacks jurisdiction to award plaintiff the injunctive relief he
requests for the alleged constitutional violations. Article III of the Constitution limits the judicial power of United States courts. The Court lacks jurisdiction over a claim unless the plaintiff can show that a distinct and palpable injury

likely will be redressed if the requested relief is granted. ji at 475. Plaintiff has amended his Complaint to request injunctive relief, in addition
to damages. With respect to injunctive relief; plaintiff requests that the Court "order defendants
to halt this suppression, illegal surveillance, blockage of due process of law and harassment and
intimidation specifically high mews of communication and control of human beings, even
embedded and all that are not covered hoe (and] order defendants to provide all appropriate aid in the rehabilitation of the Harrah family and those supporters throughout America who successfully resisted this most harrowing experience in history, now likened to the French resistance of the 40 's or the French expense for freedom in the 19'" century." Amended Camp. al 54. As discussed above, plaintiff has not adequately plead the alleged constitutional violations in
this case; as a result this Court cannot identify when. where, or by whom any of these perceived violations occurred. The allegations of the Arms Complaint indicate only that plaintiff
overly broad request for relief could prevent entirely speculative harm from occurring to Plaintiff' and other unnamed individuals. The conjectures in plaintiff's Amended Complaint arc clearly insufficient to provide the Court with jurisdiction over plaintiff's claims. Accordingly, any claim plaintiff makes for injunctive relief for

constitutional violations must also be dismissed.

C. Failure to State a Claim Upon Which Relief Mày be Granted

A complaint may be dismissed under Fed. R. Civ. P. 12(bl(6) for failure to provide a cognizable legal claim. Fed. R Civ. P. 12(b); gee Slabv v. Fairbridae. 3 F. Supp. 2d 22.27 (D.D.C. 1999). Although pal se complaints, like the one at issue here, are held to a less exacting I scrutiny than pleadings drafted by attorneys. pm3~ plaintiffs must nevertheless present a claim upon which relief tray be granted by the court. Slsbv. 3 F. Supp. 2d at 27. The requirement that a pleading adequately establish the grounds for relief is especially compelling with respect to actions suggested federal employees in the exercise of their official duties because they are particularly vulnerable to reprisal lawsuits that arise out of their actions. , 727 F. Supp. at 27.

The federal defendants claim that because of the manner in which plaintiff drafted his Complaint and Amended Complaint, they are uncertain as to the grounds upon which his claims rest, Dismissal. albeit without prejudice. is appropriate where, as here. a plaintiff's claims are "hidden beneath [a] barrage of disjointed allegations and mistaken legal theories," and where the lack of specificity and incomprehensible and conflicting allegations make it impossible for any person to frame a thorough response to the complaint. ,So Miller v. Johnson, 541 F. Supp. 1165, 1180 (D.D.C. 1982); gWakg Industrial SpgWtv Chemicals. 6K, v. Cummins FAaiwso.. Inc., 902 F. Supp. 805,

814 (N.D. Ill. 1995) (fig Harm v. Friedman. 919 F.2d 469, 471 (T" Cit. 1990) and Boruaki v. Stewrt. 381 F. Supp. 529. 533 (S.U.NA. 1974)). Since plaintiff s Complaint and Amended Complaint are rambling, essentially incoherent and riot only violate the pleading rules of Fed. R. Civ. P. 8 but also make it impossible, without unproductive second
guessing, for the federal defendants to adequately respond, this case must be dismissed without prejudice for failure to state a claim upon which relief may be granted.

III. CONCLUSION

For the foregoing reasons. defendants' Motion to Dismiss is granted. Pursuant to Fed. R. Civ. P. 8(a),.g(e), 12(bxl), and 12(6x6). This case is hereby dismissed without prejudice. An order will accompany this Opinion.

/s/ Thomas F. Hogan
United States District Judge

FRCP 12(c) Judgment on the Pleadings

Federal Rule of Civil Procedure 12(c) states that after the pleadings are closed but within such time as not to delay the trial, any party may move for judgment on the pleadings." See FED. R. Clv. P. 12(c).

Under Rule 12(c), the court must accept the non movant's allegations as true and should view the facts in the light most favorable to the nonmoving party. See Judicial Watch, Inc. v. Clinton, 880 F. Supp. 1, 7 (D.D.C. 199S). The court should grant a motion for judgment on the pleadings if the movant "is entitled to judgment as a matter of law."

Rule 12 (c) also states that if, on a motion for judgment on the pleadings, the court considers matters outside the pleadings, then the court shall treat the motion as one for summary judgment pursuant to Rule 56. In its analysis, the court will not consider any matters outside the pleadings, and will therefore treat the motion as one for judgment on the pleadings pursuant to Rule 12(c).

This case presents little, if any, disagreement with the facts. The impact of the Harrah Affair on America has been profound. From the oil fields of Texas to California, New

Orleans and New York "everyone knew" that this illegal activity was "going down." For 30 years everything that touches it is tainted. It is clear that a decree would have a profound and cathartic effect on our perception of American life. It in itself was a repudiation of the "American dream." A decree by law would remove this malignancy and restore a sense of dignity, peace and freedom to this great land.

The Wouk incident related in the 1st Amended complaint is a perfect example. The Navy is wrong to have let this go to court. Everyone knows this. The US government is wrong to defend itself as if it were a litigant. In pro se litigation, it should almost always proceed "no fault" since the litigants are often former federal employees, why would the government adamantly defend against just claims in the interest of errant employees who are currently influential. why would the government defend against just damages or differentiate one former employee over another.

The plaintiff sues the Office of the Presidency and the CIA under the Privacy Act of 1974 and First Amendment for a deliberate cynical theft and debasement of personal property in the form of the aforementioned intellectual property rights and actual physical possession for

All the damages and relief allowable under the law for the wrong done him and his family.

Latest Evidence show that the Face of God was first blocked in the Lyndon Johnson administration, then covered up in the Watergate Scandal under Richard Nixon. Now some 35 years under the yoke of tyranny and oppression. (see 1st amended complaint) John Harrah Sr. appears to still be assigned to CHAOS or COINTELPRO at present, or at least the modern day equivalent thereof, a labryinth of increasing complexity which could be called doomsday.

A victory for freedom is one that is a credit to us all. It will eventually be seen as the greatest literary event of the 20/21st century, so all participation should be at the highest level since it will undergo the scrutiny of posterity.

Careful inspection of the entire record indicates the Federal Defendant's pleadings are frivolous and that in fact there are no genuine issues of material fact remaining, especially with respect to these present pleadings and that the 12c judgment against the Federal Defendant can be granted

It is to Federal Defendant's advantage since it sets right the issues in the Harrah Affair equitably and fairly with the law, giving the US Government time for its own investigation in dignity and fairness avoiding the debacle of a "rush to judgment."

There is an imperative reason for restating the unsavory economic details of this case, in

that the defendants, through the courts and have been effective in dismissing them and it is possible that although they have been resubmitted over and over similar to our request for criminal investigation, they keep getting dismissed with our requests for different types of relief which all must be on the record.

Federal Rule of Civil Procedure 12(c) states that after the pleadings are closed but within such time as not to delay the trial, any party may move for judgment on the pleadings."

CONCLUSION

Specifically, the defendant ignores arguments made by the plaintiffs and the US Attorney was willing to allow that the Pentagon Papers either did not exist or otherwise was not suitable for this important litigation.

The court agrees with the plaintiff. Thus, the court will grant the plaintiffs motion ruling USC 5 P552 j (l) and the Feres Doctrine unconstitutional, accepts the civil Action and grants the plaintiffs motion for judgment on the pleadings granting all the damages and relief allowable under the law on the record for the wrong done him and his family.

/s/ US Supreme Court

Deaths of writers, advocates

Another event, the deaths of the following are linked in a conspiracy against the first amendment rights of the people. These are well known people at least in their communities and their deaths and injuries through approval by the heads of the conspiracy together had a stifling on the people's right throughout the First Amendment to investigate wrongdoing, or "investigative reporting."

Reporter Don Bowles in Tempe Arizona, 1980??? Killed by a car bomb while investigating a trucking firm's records. (This incident is infamous in American Journalism and must be cleared in order to help restore an autonomy which seemed to be lost in Nixon's viscous retaliation for the Vietnam coverage and the publication of the Pentagon Papers and the Watergate Affair.)

Publisher John Harrah, concerned citizen and local community and Texas state war critic.

Publisher Larry Flynt, gunned down in well publicized episode.

Teacher/ Writer Bobby Hannissee, working undercover on a Talese like disclosure about the Mafia, which had been started at least in 1959 and conceptualized much earlier.

Lynn Catanzaro--Military flyer who tried to warn Harrah of intense interest in the Face of God at the highest levels of the military, while

they feigned complete amazement along with the Veteran's movement.

Attorney John McCleary was killed by a car bomb in a parking lot in Orange County Ca. McCleary was a good lawyer who knew John Harrah and was on his way to report a network of contacts in the Vashon Washington area which had to do with the larger and smaller suppressions underway. His counsel would most certainly have headed off the suppression and the rise in power of force of partners most nearly described as an intensification of the power of "old money". Had the Harrahs been able to seek legal remedies far sooner than present day a different postwar world would have emerged.

JFK Jr., publisher of George Magazine, was reportedly hit because certain bigwigs could not stand JFK's brand of sophisticated repartee and humor. Month after month the magazine pounded the dull and common into oblivion. The evidence is heightened by a takeover incident near the end, and he was almost certainly identified when he met with admirers in a public gathering in Georgetown.

Ken Sarowiwa--Rhodesian or Rwandan martyr to freedom of speech and the press in spite of the US government, and Bill Clifton's personal plea for his release was executed for crimes against a junta.

Madylyn Murray O'Hair, longtime, popular, Atheist, Texas advocate's body was recently discovered near Austin after being missing for five years

1984-LaPenca, Nicaragua, bomb episode in 1984 explodes in a meeting for Latin American Journalists at Contra Camp. Eight killed, 12 injured; Survivors hospitalized in Costra Rica. Related to Reagan presidency and North Iran/Contra conspiracy.

Carlos Cardoza, Mozambique's leading journalist is killed in a driver by shooting.

John F. Harrah, Sr., the plaintiff, has been "hit" twice, legs shattered, barely escaping a wheelchair and moderate scarring. Victim of ongoing dirty tricks

John F. Harrah jr.--graduation from law school blocked in fear of increased litigation; continued subject of dirty tricks

David M. Harrah--continued dirty tricks, career jeopardized

Salmon Rushdie- -Rushdie's friends were knifed in a climax to a long showdown with Iranian religious zealots or fanatics, who disagreed with the content of The Satanic Verses

(vi)b

1. Civil Cover Sheet

I. A. Plaintiff

Ibid
Defendant

B. County District of Columbia

C. Attorneys

II. Basis of Jurisdiction

Federal Question

III. Date Stamp

Case number 1:00CV1227
Judge: Thomas F. Hogan
Deck Type: Pro se
Date Stamp:: 5/31/2000

IV Origin
Original Processing

V. Nature of Suit

Privacy Act of 1974 Violation

VI. Cause of Action

Pentagon Papers Violation 1st Amendment

to Constitution; 403 US 713(1971)Ny Times vs. United states Government, enabled by unconstitutional plrovisions of Privacy Act of 1974

VII. Requested in Complaint:
$800,000,000.00

Jury Demand

VIII. Related Cases, if any, :

99 CV 1949 DC District Court

02 3561 LT, DC Superior Court
02 397 DC Court of Appeals

Date Signature

5/31/00

Category in which case belongs:

Pro se general Civil

2. Letter regarding undue influence in all trials.

(vi)c

Undue Influence
(Condensed Letter to Court)

Memorandum Addition to Motion of 1/22/02

Recent events have opened our motion to reconsider to question in a comparison to past filings. In the past it has been of great interest that we have accused opposing counsel of an undue influence since inception which was somewhat lessened in the recent appeal.

In the past, when we referred to an "undue influence," we thought it was clear that we were referring to a misuse of the "micro" or other advanced technology. We assumed that this was the influence referred to both in the filing of a LCr 57.16 Judicial complaint, or a Section 1746 Complaint against attorney's misconduct.

The question now raised is in regard to a record or repository of a record of such misuse or misconduct as required by governing authority or influences exerted by opposing counsel both with respect to myself, the judge the court of appeals, the clerk of court and the record. We request that the court use great diligence both in its understanding of these facts and in other charges leveled now and in the past.

/s/ John Harrah

Why should this request be approved?

1. The writ will be in aid of the court's appellate jurisdiction.

Only the Supreme court has the power through its appellate jurisdiction to determine continuity under the Privacy Act of 1974 for the intentional or willful mismanagement of government files by the CIA, FBI and others which led to the First Amendment Pentagon Papers violation alluded to elsewhere in this document. .

2. Exceptional circumstances warrant this exercise of the Court's discretionary powers.

The case requests two Constitutionality decisions by the Supreme Court, which will be in the Country's best interest.

It will find unconstitutional provisions of the Privacy act of 1974 which make the CIA immune to lawsuits, enabling an ongoing Pentagon Papers precedent First Amendment Violation, and The Feres Doctrine, which is a violation of Article III of the Constitution.

3. **Adequate relief cannot be obtained in any other form or from any other court.**

Because of the possibility of an undue influence (see appendix vi) influencing judgment in our litigation, the other courts of the land have clearly demonstrated that they are not up to the constitutional challenge and have signaled settlement potential right before the Supreme Court.